



**PLANNING BOARD  
RULES and REGULATIONS  
GOVERNING THE ISSUANCE  
OF  
SITE PLAN AND DESIGN REVIEW  
AND SPECIAL PERMITS**

*Public Hearing Date*

03-22-1955  
05-12-1969  
04-24-1978  
06-30-1981  
04-01-1985  
09-15-1986  
02-18-2005  
12-03-2018  
04-20-2021

*Adopted/Amended Date*

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09-22-0169  
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03-21-2005  
12-03-2018  
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## **SECTION I – PURPOSE and AUTHORITY**

In accordance with MGL Chapter 40A, Section 9, these rules and regulations are adopted by the Planning Board, hereinafter called the Board governing the organization and conduct of the Board and for the purpose of establishing guidelines and procedures to hear and decide applications for which it is empowered to act as the permit granting authority as provided for in the Randolph Zoning Ordinances. These rules and regulations may be adopted and amended after notice and a public hearing.

## **SECTION II – ORGANIZATION and MEETINGS**

### **2.0 Chairperson: powers and duties.**

The Chairperson shall vote and be recorded on all projects coming before the Board. It shall be the duty of the Chairperson to designate the Associate Member to sit on the Board to act upon specific applications when the Board's ability to act is limited as in the case of a member's absences or conflict of interest on the part of any member, in the event of vacancy on the Board or other reason creating an inability to act on the part of a member. Subject to these rules, the Chairperson shall decide all points of order, unless overruled by a majority of the Board in session at the time and shall appoint such committees as may be found necessary or desirable on related matters.

### **2.1 Associate Member**

An Associate Member, if one has been appointed by the Town Manager, shall be called by the Chairperson to act upon special permit and/or site plan and design review applications in the case of absence, conflict of interest on the part of any Board member, or vacancy on the Board. The Associate shall sit as a member of the Board at the public hearing, including any continuances; shall participate in any and all discussions of the application and decision; and shall be recorded on all votes on any special permit upon which the Associate was called to act.

### **2.2 Quorum**

Three (3) members must be present to open any meeting of the Planning Board and shall be required to conduct any general business. Four (4) members or three (3) members plus the Associate Member must be present for the opening of any public hearing. In the event only four (4) members are present at a public hearing, an applicant may insist on being heard by the full five (5) member board and may request a continuance of the hearing to a date certain for this purpose.

### **2.3 Meetings and Hearings**

All meetings of the Planning Board shall be held in accordance with the provisions of the Massachusetts Open Meeting Law and a meeting schedule made publicly available. A site visit for the purpose of inspection of a subject property shall not be deemed a meeting but shall be posted with the Town Clerk.

2.3.1 The Board shall hold regularly scheduled meetings throughout the year. Special meetings of the Board shall be held at the call of the Chairperson.

2.3.2 Regular or special meetings of the Board may be recessed to a time and place as a continuation of said meeting without further notice.

- 2.3.3 An affirmative vote of a majority of the Board shall be sufficient for adoption of the question with a majority requirement (e.g. 3 members voting in the affirmative). An affirmative vote of a majority of the Board plus one member shall be sufficient for adoption of the matter where a super-majority is required (e.g. 4 members voting in the affirmative). Members of the Board present may be counted to determine whether a quorum is present although they may abstain from voting affirmatively or negatively. Persons abstaining from a vote shall not be considered "members voting" in determining whether a matter has been adopted. Abstaining from a vote is discouraged, unless the issue pertains to business that took place when the member was absent.
- 2.3.4 When the vote on a matter is evenly divided, the matter shall be deemed to have been defeated.
- 2.3.5 A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted with the prevailing side. A member of the Planning Board that voted on the prevailing side of the original vote can move to reconsider a vote either on the same night of the vote taken or as the first order of business at the next scheduled meeting. A two-thirds majority is necessary for reconsideration to prevail.
- 2.3.6 Adoption of MGL, Chapter 39, Section 23 D "Mullin Rule"  
Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for one (1) or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before participating in action, the member shall certify review of any such missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.
- 2.3.6.1 Upon missing a public hearing, a member may enact his/her rights under the Mullin Rule by reviewing all material presented and discussed during the public hearing including the official audio, video or transcript of the missed hearing. The member must then complete the adopted affidavit and file it with the Town Clerk's Office. A copy shall be retained in the Planning Board Office and placed in the corresponding project folder as part of the permanent record.

## **2.4 Public Hearings**

If a public hearing is required, notification of the hearing to be held shall be advertised as required by MGL, Chapter 40A, Section 11. Failure to give timely notice shall be grounds for continuance. No such hearing shall be held on any day on which a federal or state holiday, federal, state or municipal election, caucus or primary is held.

- 2.4.1 An applicant may appear on his/her own behalf or be represented by an authorized agent or attorney. If the absence of any appearance without due cause on behalf of an applicant, the Board may decide on the matter using the information it has received.
- 2.4.2 The order of business for a public hearing shall be as follows:
- Chairperson opens the hearing and reads the public notice.
  - Municipal staff provides the Board a summary of the application and project.
  - Staff reads any official reports, comments or correspondence related to the application.
  - Presentation by the applicant/agent for the applicant.

- Comments from those in attendance wishing to speak on the application.
- Questions from the Planning Board members appropriate to issues of the application.
- Applicant rebuttal and/or response to matters previously raised.
- Board discussion, continuance agreement, motions and/or vote.

2.4.3 Conduct for speakers at a public hearing shall be as follows:

- Each person must identify him/herself and provide address of residency.
- Each person may speak only one time unless otherwise permitted by the chairperson.
- All comments and questions must be addressed to the Planning Board. In the case of questions, they will be noted by the Board chairperson who will determine those found to be pertinent to the petition and will then ask for those answers from the applicant.
- The Planning Board chairperson may limit repetitive comments.

2.4.4 A public hearing shall either be closed or continued to a date and time certain. Once the public hearing has been closed, no further information shall be considered and deliberations leading to a decision may begin.

## **2.5 Deliberation After the Public Hearing is Closed**

2.5.1 Once the public hearing has been closed, the Board shall deliberate on the information presented during the hearing. New information may not be considered once the public hearing has been closed.

2.5.2 Participation in the deliberation of the Board after the closing of the public hearing shall be limited to those persons constituting the Board and its technical advisors unless, at the discretion of the Board, additional clarification or information is required.

2.5.3 Other attendees of the hearing may remain in the hall during deliberation, but may not participate.

## **2.6 Decisions**

2.6.1 All Decisions of the Board shall be voted in a meeting which is open to the public.

2.6.2 The Board shall render a written decision on all applications within the statutory limits prescribed in the MGL or Town Ordinances, subject to extensions as voted by the Board.

2.6.3 If the application is disapproved, the Board shall provide the applicant with written reasons for the disapproval.

2.6.4 True Attest copies of decisions shall be provided to the applicant and, when applicable, for recording by the applicant or their appointed representative at the Norfolk Registry of Deeds. For decisions with an appeal period, said decision shall be provided at the expiration of the appeal period.

# **SECTION III – ADMINISTRATION**

## **3.0 Applicability**

Any person applying for a Site Plan and Design Review or Special Permit from the Planning Board as specified in the Town of Randolph Zoning Ordinances, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply

with the provisions of these rules.

### **3.1 Severability**

If any provision of the Regulations shall be held invalid for any reason, all other provisions shall continue in full force and effect.

### **3.2 Waiver of Rules**

Strict compliance with these rules may be waived if the Board finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the ordinance and these rules.

- 3.2.1 Any request from an applicant for a waiver of these rules must be submitted, in writing, to the Board at the time of submission of the application.
- 3.2.2 Such requests must clearly identify the provision(s) of the rules from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the ordinance and these rules.

### **3.3 Amendments to the Rules**

These rules may be amended by a majority vote of the Board after a public meeting.

### **3.4 Advice from Town Staff**

Any advice, opinion, or information given to the applicant by a Board member or by any agency, official, or employee of the Town shall be considered advisory only and not binding on the Board.

## **SECTION IV – APPLICATION REQUIREMENTS**

Prior to filing an application, applicants are encouraged to schedule a meeting with the Planning Department to discuss the project informally. This preliminary review will attempt to avoid deficiencies in the application and to promote efficiency in the meeting or public hearing process.

### **4.0 Application Requirements**

Any application submitted to the Board shall be accompanied by the following:

- An application fee in accordance with the most recently revised fee schedule.
- Written permission or affidavit from the owner of the property if the applicant is not the owner.
- Administrative Review Submission: three (3) hard copies and one (1) digital copy (PDF) of any application and corresponding plans.
- All other submissions: Eight (8) hard copies and one (1) digital copy (PDF) of any application package filed with the Planning Department for review by the Board and by any other Town Departments, Boards or Commissions from which the Board requests input.

### **4.1 Plans**

Plan submitted with an application shall contain the following content:

- The plans shall be at a scale of 1"= 20' or 1"=40', except for building elevation plans, which shall be at a scale of 1/4"=1' or 1/8"=2', drawn on a standard 24"X 36" sheet(s);

- Site Plan and Design Review(s) shall be prepared, signed and stamped by a Professional Civil Engineer and a Professional Land Surveyor both who must be registered in the Commonwealth of Massachusetts. The land surveyor shall perform an instrument boundary survey and shall certify the accuracy of the locations of the building, setbacks and all other required dimensions, elevations and measurements and shall be signed under the penalties of perjury;
- A Locus map at a scale of 1" = 200' showing all streets, bodies of water, landscape features, historic sites, habitats for endangered species within the parcel and within three hundred feet (300') of the parcel and all buildings within the parcel and within three hundred feet (300') of the parcel;
- The date and north arrow;
- The location and name of all streets, any and all driveways, and curb-cuts within three hundred feet (300) of the site. Street shall include layout and pavement width;
- On-site and abutting lot lines; names of all abutters as they appear in the most recent tax list. All contiguous property owned by the applicant shall be included;
- Zoning District(s) boundary lines of the locus and all land within three hundred feet (300') of the parcel, including overlay districts and other districts not specifically mentioned; other districts such as: Floodplain, Wetland and Water Resource Protection;
- Other features including; slope, geological features, unique vegetation, existing trees (six inch [6"] trunk diameter or greater measured four feet [4'] above grade) trees, stone walls, easements, fencing, cemeteries, buildings (including historic background if any), septic systems, rock outcroppings, vistas and other natural features;
- Existing and proposed topography contour lines at one (1) or two (2) foot intervals on the parcel to be developed and within fifty (50)' thereof. Information and location of benchmark(s) used shall also be provided;
- Information on the location, size, type and number of existing and proposed landscape features. A Landscaping Plan shall be provided. Said plan may be required to be prepared, stamped and signed by a Landscape Architect registered in the Commonwealth of Massachusetts;
- Information on location, size and capacity of existing and proposed on-site and abutting utilities (water, sewer, drainage, electrical, cable, etc.);
- A Zoning Chart with the minimum area requirements per the Randolph Zoning Ordinances and proposed project compliance;
- Elevation and façade treatment plans of all proposed buildings. A listing of materials and specific colors to be used;
- Percent of building lot coverage and percentage of paved (impervious) area used for parking, loading, access within the property and percent open space of the site;

- Existing and proposed location(s) of loading areas, driveways, access and egress points, and the location and number of parking spaces required per Randolph Zoning Ordinances;
- A Development Impact Statement in accordance with Section VII;
- The location of existing or proposed building(s) on the lot(s) with the total square footage and dimensions of all buildings, all building elevations and floor plans, and perspective renderings;
- Existing and proposed signs; noting height, size, location and manner of lighting (applicant is encouraged to include photograph(s) and /or sketch(s));
- A photometric plan showing the parcel to be developed and within fifty (50) feet thereof. The plan shall include the following: location of all existing and proposed exterior light(s), including building ground and parking lot light(s); noting height, initial foot-candle readings on the ground and data on the types of fixtures to be used;
- An emergency services access/circulation plan;
- A narrative summary of the vital statistics of the project; and
- Any additional information, which the Board may require. The Board may engage an appropriate consultant to review the Site Plan and Design Review for completeness and correctness and shall require the applicant to pay for the cost of the review.

## 4.2 Fees

An Application Fee is payable at the time of application and is nonrefundable. The purpose of the Application Fee is to offset the Town's costs for the processing of the application and other costs incurred by the Town in reviewing, approving and monitoring the permit and compliance therewith. The Application Fee is in addition to any other local or state fees that may be charged under any other law or ordinance and shall be paid according to the fee schedule as most recently amended.

### 4.2.1 Additional Review Fees

The Board may require a fee to be held in escrow to be used to engage independent consultants should the Board determine this to be necessary based on the characteristics or complexity of the issues raised by the application. Such fees shall be governed and administered in accordance with MGL, Chapter 44 Section 53G or Section 53E ½.

### 4.2.2 Performance Guarantees

The Planning Board may, at its discretion, require the applicant to post a bond to secure completion of certain improvements required by a Decision of the Board. The bond can be reduced as completion of items progresses upon request of the applicant and submitted proof of completion. A majority vote of the Board is required to reduce or release the bond.

## **SECTION V – APPLICATION PROCEDURES**

### **5.0 Filing**

All applications shall be filed with the Planning Board. An additional copy of any application for a Special Permit or Tier 3 Site Plan and Design Review shall be submitted to the Town Clerk during regular business hours and the date received by the Town Clerk shall be the effective date of submittal.

### **5.1 Referral**

Upon receipt of a complete application, the Planning Board may, within 14 days, refer the application to other boards and town departments as it deems advisable and shall not hold a public hearing on the application until such time as reports have been received from all boards and departments to whom the application has been referred or 35 days have elapsed following referral without receipt of such reports, whichever occurs sooner.

### **5.2 Public Hearing Notification**

Should a public hearing be required, notification will take place per MGL, Chapter 40A, Section 11.

### **5.3 Meetings and Hearings**

All meetings and hearings are open to the public. An applicant may appear on his/her own behalf or be represented by an authorized agent or attorney. If the absence of any appearance without due cause on behalf of an applicant, the Board may decide on the matter using the information it has received.

### **5.4 Site Entry**

To the extent permitted by law, filing an application for Approval or Permit grants the Planning Board and its employees and agents permission to enter the subject site to verify the information contained in the application, and to inspect, survey, or sample to determine compliance with any Approval or Permit.

### **5.5 Withdrawal**

An application may be withdrawn without prejudice by notice in writing to the Town Clerk, with a copy submitted to the Planning Board at any time prior to the publication of the notice of public hearing. Requests to withdraw after the publication date of the notice may be granted only by permission of a majority of the Planning Board.

### **5.6 Continuance**

Hearings may be continued by the Board, with the consent of the applicant, to a specified date and time, which shall be announced at the hearing that is to be continued. If a continuance is granted due to amendments to the project proposal, revised submittals, if required, shall be supplied to the Board seven (7) days prior to the next scheduled hearing.

## SECTION VI – DEVELOPMENT REQUIREMENTS

All Site Plan and Design Reviews shall be prepared in compliance with the Randolph Zoning Ordinances and the Randolph Planning Board Rules and Regulations governing Site Plan and Design Review and Special Permits along with all applicable standards of the Architectural Access Board, American Disabilities Act, AASHTO and any other local, state, and federal standards not specifically enumerated herein. In the event there is a conflict in standards, the jurisdictional standard shall apply, unless otherwise waived by the Planning Board.

### 6.0 Drainage

Plans should minimize disruption to existing features and strive for successful imitation of natural systems. They shall employ low impact development practices and be in compliance with the requirements of the Randolph Stormwater Ordinance. Projects may be subject to a Stormwater Permit.

### 6.1 Service Facilities

Service facilities such as: garbage collection, recycling containers, refrigeration units, utility areas and other facilities not specifically identified shall be screened around their perimeters. Screening may consist of fencing and/or natural vegetation and shall have an effective height and width to screen from public view said service facility.

### 6.2 Utilities

All utility connections shall be underground and constructed in accordance with the requirements of the town and other utility companies.

### 6.3 Access Connections

6.3.1 Separation between access connections on all collector and arterials shall be based on the posted speed limit in accordance with the following table:

<i>Posted Speed Limit (MPH)</i>	<i>Access Connection Spacing (Feet)</i>
25	140
30	210
40	280
50	350

6.3.2 The width of the access connections at the property line of the development shall not exceed 25 feet, unless the traffic impact study identifies and the Planning Board agrees to the need for turning lanes from the development onto the adjacent public road.

6.3.3 The access connection shall provide a minimum distance of 40 feet in depth between the property line and the beginning of any parking areas, turning areas and/or stacking lanes within the development.

6.3.4 For a site at an intersection where no alternatives exist, such as joint or cross access, the Board may allow construction of an access connection at a location suitably removed from the

intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/right out only and/or a restrictive median) as required by the Board.

6.3.5 A system of joint use driveways and cross access easements is preferred where feasible and incorporates the following:

- A service drive or cross access corridor extending the width of the parcel.
- A design speed of 10 mph and sufficient width to accommodate two-way travel aisles.
- Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.

6.3.6 A leveling area shall be provided having a minus one percent (-1%) grade for a distance of thirty (30) feet measured from the nearest exterior line of the intersecting street, to the point of vertical curvature.

## **SECTION VII – DEVELOPMENT IMPACT STATEMENT**

### **7.0 Development Impact Statement (DIS)**

The intent of a DIS is to enable Town departments to determine and evaluate those methods to be used by the applicant to promote the environmental health of the community and to minimize the environmental degradation of the Town's natural resources. A DIS is required for projects with the following characteristics:

- Mixed use projects consisting of ten (10) or more residential units.
- Residential projects with three (3) or more acres of land.
- Commercial, industrial or institutional projects consisting of one (1) or more acres of land area
- All projects which generate more than one hundred vehicle trips per day.

7.0.1 The Planning Board may waive in part, or in whole, any requirements contained in the DIS which it deems inapplicable to the project proposal. The applicant should discuss the requirements with the Planning Department for preparation of the DIS, preferably prior to submission of a plan. The Planning Board can waive the DIS for projects that require a Massachusetts Environmental Policy Act (MEPA) review; however, the Planning Board may require specific information in the DIS that the Board deems was not adequately addressed in the MEPA review.

7.0.2 The DIS narrative should include category statements regarding Environmental Impact, Traffic Impact and Community Impact as outlined in these rules and regulations.

### **7.0 Environmental Impact**

Environmental Impact describes the effects of the proposed development with respect to on-site and off-site environmental quality. The narrative should include:

7.0.1 A written description of existing, general physical conditions of the site, including topography, location and varieties of vegetation and geologic type, scenic and historical features, trails and open space links, impact of storm water runoff on adjacent and downstream surface water bodies, subsurface groundwater and the water table and indigenous wildlife; erosion

and sedimentation caused by the operation and maintenance of the proposed development; a description of how the project meets the standards outlined in these Rules and Regulations and proposed measures for mitigation of any potential adverse impacts on the natural environment.

#### 7.0.2 Environmental Impact Standards:

7.0.2.1 The proposed development shall not create any significant emission of noise, dust, fumes, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impact(s).

7.0.2.2 The proposed development shall not increase the potential for erosion, flooding or sedimentation, either on-site or on neighboring properties; and shall not increase the pre vs. post rates of runoff from the site. Furthermore, shall not increase the pre vs. post volume of runoff from the site. Provision for attenuation of runoff pollutants and for groundwater recharge shall be included in the proposal.

7.0.2.3 The design of the proposed development shall minimize the destruction of unique natural features.

7.0.2.4 The design of the development shall minimize earth removal. Cuts of more than 4 feet shall be prohibited, unless otherwise waived by the Planning Board. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.

7.0.2.5 The design of the development shall minimize the area over which existing vegetation is to be removed. Tree removal shall be minimized, and special attention shall be given to the planting of replacement trees, by replacing any tree that is removed over 2" trunk diameter. All trees that are removed over 2" trunk diameter measured 4 feet above grade shall be replaced and incorporated into the landscape plan for the site.

### 7.1 Community Impact

Community Impact evaluates and describes the effect of the proposed project on Town services and the neighborhood(s) surrounding the development. The narrative should include reference to:

7.1.1 Site design and neighborhood impact: Evaluation of the relationship of proposed new structures or alterations to nearby pre-existing structures in terms of character and intensity of use (e.g., scale, mass, materials, color, location and size of doors and windows, setbacks, roof and cornice lines, and other major design elements); and of the location or configuration of proposed structures, parking areas, and open space with respect to neighboring properties.

7.1.2 Historic impact: identification of impacts on significant historic properties, or archeological resources (if any) in the vicinity of the proposed development.

7.1.3 Evaluation of impacts on the water system, sewage system, the school system, fire protection, police protection, libraries, and parks and recreation facilities, and proposed methods of mitigation for any adverse impacts.

7.1.4 Description of how the proposed project meets the standards outlined in these Rules and Regulations and proposed measures for mitigation of any potential adverse impacts on the community.

7.1.5 Community Impact Standards:

7.1.5.1 Design elements shall be compatible with the character and scale of neighboring properties and structures.

7.1.5.2 The design of the development shall minimize the visibility of visually degrading elements such as trash collectors, loading docks, etc.

7.1.5.3 The design of development shall be consistent or compatible with existing local plans (if any), including plan elements adopted by the Planning Board, Conservation Commission, and other town bodies having such jurisdiction.

7.1.5.4 The location and configuration of proposed structures, parking areas and open space shall be designed so as to minimize any adverse impact on temperature levels or wind velocities on the site or adjoining properties.

7.1.5.5 Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties.

## **7.2 Traffic Impact**

The proposed Site Plan and Design Review shall minimize points of traffic conflict, both pedestrian and vehicular. The narrative should include how the proposal meets the guidelines outlined in these Rules and Regulations.

7.2.1 Entrance and exit driveways shall be so located and designed as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.

7.2.2 Where possible, driveways shall be located opposite similar driveways.

7.2.3 The sharing of access driveways by adjoining properties and uses is encouraged.

7.2.4 Left-hand turns and other turning movements should be minimized.

7.2.5 Driveways shall be so located and designed as to discourage the routing of vehicular traffic to and through residential streets.

7.2.6 Pedestrian and bicycle circulation shall be separated from motor vehicle circulation as far as practicable.

## **SECTION VIII- BOARD DECISIONS**

The Planning Board's decision may consider comments received from various municipal reviewers. Additionally, proposed methods of mitigating impacts associated with each project may be incorporated into the Board's decision. The following criteria must be addressed to the Planning Board's satisfaction. Such findings shall pertain to the entire proposed development, including any Site Plan and Design Review or design modifications imposed by the Planning Board and off-site improvements proposed by the applicant or required by the Planning Board as a condition of its approval:

- The planned capacities of public facilities such as water supply, sewage and drainage systems are adequate in the vicinity of the site to serve the proposed development.
- The proposed development will comply with the community, environmental and traffic impact standards set forth in these regulations.

### **8.0 Approved Plans**

Prior to the issuance of a building permit, the Board may require the approved plan, as amended by the Board in its decision of approval, be submitted to the Planning Department in electronic PDF plus two (2) full size plans printed on 24" x 36" sheets. No building permit will be issued until the plan is found to be in compliance with the board's decision.

### **8.1 Recording of Decision**

When required, the applicant shall be responsible for recording a full copy of the decision in the Norfolk County Registry of Deeds or the Land Court and for paying any required recording fees. Verification of the recording including the document number or book/page number must be submitted to the Planning Board prior to issuance of a Building Permit or the start of any work. The permit is not effective unless recorded with the deed to the property.

### **8.2 Lack of Decision**

Failure of the Planning Board to take final action within ~~said~~ ninety (90) days, or extended time if applicable, shall be deemed to be a grant of the Special Permit. The petitioner who seeks such approval by reason of failure of the Board to act within the prescribed time shall notify the Town Clerk, in writing, within fourteen (14) days from the expiration of said ninety (90) days or extended time.

### **8.3 Appeals**

Any person aggrieved by a decision of the Planning Board as Special Permit Granting Authority may appeal such decision as provided in MGL Chapter 40A, Section 17 within twenty (20) days after such decision has been filed in the office of the Town Clerk.

### **8.4 Reapplication**

No application which has been unfavorably and finally acted upon by the Planning Board shall be reconsidered for a Special Permit within two (2) years after the date of said final unfavorable action, unless the Board finds, by a vote of four (4) members, specific and material changes in the condition upon which the previous unfavorable action was based and such changes are described in the record of its proceedings, and after notice is hereby given to parties in interest of the time and place of the proceedings to reconsider in the same matter as provided for in these rules and

regulations.

### **8.5 Effective Date of Decision**

No Special Permit or Tier 3 decision by the Planning Board, extension, modification or renewal thereof shall take effect until the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

### **8.6 Limitation of Decision**

The granting of a permit constitutes approval only under the pertinent sections of the Town of Randolph Ordinances. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied. The Board may condition any permit hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site and/or the issuance of a Building Permit.

### **8.7 Modification after Approval**

A modification may be approved in accordance with the Site Plan and Design Review Approval Zoning Ordinances. An additional project review fee may be assessed by the Planning Board.

### **8.8 Lapse of Special Permit**

Special Permits shall lapse two (2) years from the date of the Board's decision, excluding any time required to pursue or await the determination of an appeal under MGL Chapter 40A, Section 17, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause.

### **8.9 Extension of Special Permit**

Initial approval in all cases is granted for a period of two (2) years from the date of the filing of such approval with the Town Clerk. If substantial use thereof or construction has not begun by such date, a written request for extension of approval may be submitted to the Planning Board for consideration no later than sixty (60) days prior to the lapse of the Special Permit. A filing fee in accordance with the Fee Schedule shall accompany all requests for extension. The Board shall consider requests of one (1) year extensions and in no case shall consider requests for more than a two (2) year extension of a Special Permit.

### **8.10 Pre-construction Meeting**

The Board may require a pre-construction meeting through the Planning Office prior to commencement of any work on the development site.

### **8.11 Compliance Report**

The Planning Board may require that the Planning Office conduct an on-site inspection of the development, hold a Site Plan and Design Review compliance meeting with the applicant and issue a Site Plan and Design Review Compliance Report submitted to the Building Department prior to issuance of an occupancy permit by the Building Department.